THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3647 of 2006

26-06-2006

Between:-

D.K.M. Gupta

Petitioner

And

The Additional Deputy General of Police, CID, Lakdikapul, Hyderabad.

Respondent

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3647 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for respondent.

This writ petition is filed for a direction to the respondent to furnish copies of documents specified in the writ petition which are claimed to be in the custody of the respondent pursuant to the criminal case registered against the Vijetha Agro Farms (India) Limited in C.C.No. 452 of 2004 on the file of learned VII-Additional Munsif Magistrate, Guntur. The criminal case relates to a charge against the Company under Sections 420, 406, 468, 471, 477A, 474, 177 read with Section 120B of the Indian Penal Code and under Section 5 of the Andhra Pradesh

Protection of Depositors of Financial Establishments Act, 1999 (for short the Act). The documents are sought by the petitioner, a shareholder of the Company, who seeks to dispose of the properties of the Company and requires the documents for the said purpose.

The respondent has filed counter affidavit in which it is stated that after completion of investigation into Crime No.22 of 2002 of CID Police Station, Hyderabad, wherein the Company is arrayed as an accused, charge sheet was filed against the petitioner and eight (8) other Directors of the Company in C.C.No.452 of 2004; and that the documents sought by the petitioner in this writ petition were also filed into the court. It is further stated that the entire record was transferred to the Special Court, Guntur constituted under the Andhra Pradesh Act, 17 of 1999 to try the offence under Section 5 of the said Act on 21-12-2005 and it has been numbered as 1/F/2006. As the documents are presently in the custody of the Special Court, Guntur, the petitioner should seek the documents after obtaining permission from the Special Court, Guntur, is the averment in the counter affidavit.

Learned counsel for the petitioner states that the petitioner would now apply to the Special Court, Guntur for copies of the documents sought and that no further orders are necessary in this writ petition.

In view of the submissions, the writ petition is

dismissed as ‘withdrawn’ with liberty to the petitioner to pursue with the Special Court, Guntur for obtaining copies of documents in accordance with law. No costs.

GODA RAGHURAM, J

Dated:26-06-2006
Pvks/*